



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,628	02/24/2004	Xiong Liu	STL11426	2953

7590 01/02/2008
FELLERS, BLANKENSHIP, BAILEY, TIPPENS P.C.
100 NORTH BROADWAY
SUITE 1700
OKLAHOMA CITY, OK 73102

EXAMINER

NEGRON, DANIEL L

ART UNIT	PAPER NUMBER
----------	--------------

2627

MAIL DATE	DELIVERY MODE
-----------	---------------

01/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/785,628	Applicant(s) LIU ET AL.	
	Examiner Daniell L. Negrón	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 14-17 is/are allowed.
- 6) ☒ Claim(s) 18 and 22 is/are rejected.
- 7) ☒ Claim(s) 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szita U.S. Patent Application Publication No. 2002/0067567 in view of Siew et al U.S. Patent Application Publication No. 2002/0027729.

Regarding claim 18, Szita discloses a method comprising steps of comparing a first track profile for a first track to a predetermined threshold and determining a head positioning profile for a first track in relation to a first track profile and a second track profile for a second track (paragraphs 93-94). Furthermore, it is considered that Szita discloses the comparing step since the first track position measurement is compared to the position measurement of the predetermined second track (paragraph 93). Szita fails to explicitly disclose determining a head positioning profile for a first track when the first track profile has a first value relative to the predetermined threshold, else not determining a head positioning profile for the first track when the first track profile has a second value relative to the predetermined threshold.

However, Siew et al disclose comparing a track profile to a predetermined threshold in order to determine whether to determine a head positioning profile for a track, for the purpose of reducing the amount of time consumed during a zero acceleration path learning process (paragraph 12). Therefore it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine the head positioning profile determination method disclosed by Szita with the disclosure of executing a head positioning profile procedure based on a comparison between a track profile and a threshold in order to reduce the amount of time necessary for a zero acceleration path learning process.

Regarding claim 22, Szita as modified by Siew et al disclose a method further comprising repeating the comparing and determining steps for each of a plurality of tracks on a storage medium so that a first subset of the plurality of tracks have the head positioning profiles determined therefor and a second subset of the plurality of tracks do not have the head positioning profiles determined therefor (paragraphs 34 and 35).

Allowable Subject Matter

3. Claims 1-12 and 14-17 are allowed.

Regarding claims 1-5 and 14, claim 1 discloses a method for compensating for positioning errors comprising determining a head positioning profile for a first track in relation to a track profile for the first track, a track profile for a second track and a non-zero weighting value, the method further comprising a prior step of comparing the track profile for the first track to a predetermined threshold , and performing the determining step in relation to the comparison, which is neither disclosed or an obvious variation of the prior art.

Regarding claims 6-10, 15, and 16, reasons for allowance are as discussed in the previous Office action mailed July 26, 2006.

Regarding claims 11, 12, and 17, reasons for allowance are as discussed in the previous Office action mailed January 18, 2006.

4. Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 20 and 21, prior art fails to explicitly disclose or suggest a method comprising all the limitations of claims 18, further wherein the head positioning profile of the determining step is further generated in relation to a track profile for a third track.

Response to Arguments

5. Applicant's arguments, see pages 7-9, filed October 8, 2007, with respect to claims 1, 2, 14, and 18 have been fully considered and are persuasive. The rejection of claims 1, 2, 14, and 18 as presented in the previous Office action mailed July 6, 2007 has been withdrawn.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Application/Control Number:
10/785,628
Art Unit: 2627

Page 5

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 571-272-7559. The examiner can normally be reached on Monday-Friday (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DLN/
Daniell L. Negrón
Examiner, Art Unit 2627
December 19, 2007

/William Korzuch/
SPE, Art Unit 2627